California Sportfishing Protection Alliance 1360 Neilson Street / Berkeley / CA / 94702 "CONSERVING CALIFORNIA'S FISHERIES"

October 14, 2002

Paul Marshall
California Department of Water Resources
Bay-Delta Office
PO Box 942836
Sacramento CA 94236-0001

RE: Comments - Scoping of the DEIR/EIS South Delta Improvements Program

Dear Mr. Marshall:

We have a vast array to issues and concerns we would like the DEIR/S to address: They are as follow.

- Project Legality: Please make sure the DEIR/S clearly describes the legal standing this project has to be undertaken given the lack of Congressional authorization for the continuation of CALFED. We view the Congressional action not to reauthorize the CALFED Program this past session as a clear message that Congress does not support nor has it reauthorized CALFED and the CALFED programs.
- Project Appropriateness: According the CALFED Record of Decision (RoD) the SDIP is predicated upon a suite of promised water management actions that are to provide a level of environmental protection compared to what existed prior to the RoD. Unfortunately, that objective has <u>not</u> been achieved. Until the water management actions outlined below have been provided and are guaranteed to perpetually exist as essential pre-SDIP conditions, we do not believe the SDIP can be implemented regardless of its configuration. This suite of prerequisite management actions include:
 - CALFED's baseline conditions, as identified in the Record of Decision (RoD), includes full implementation of the CVPIA 3406(b)(2) provision.
 The full 800,000 AF of flows for the estuary's fisheries must be provided as promised in the RoD. How does CALFED envision offsetting the b2 water lost due to Wanger's decision on b2 water?
 - Full implementation of the Environmental Water Account, including the funding required to purchase the water promised under the RoD, must be made available to help offset impacts to Endangered Species Act

(ESA) species and to help restore the estuary?

- The instream flows necessary to implement the Ecosystem Restoration Program's river restoration and estuarine objectives be must be provided.
- Fisheries Objectives: As stated in your South Delta Improvement Project Alternatives Study, the SDIP has three purposes. Among these purposes is a fisheries objective to reduce the effects of the State Water Project export on both aquatic resources and direct losses of fish in the south Delta.
 - We agree there is a critical need to reduce the effects of export impacts on the estuary's aquatic environment and the direct losses of fish to the project pumps and predation in Clifton Court Forebay. However assertions regarding impact reduction must be scientifically demonstrated prior to any determination to move forward with the project. It is essential that the exact steps to achieve these objectives be clearly enumerated and that the models used to predict such reductions be peer reviewed and provided in the document. Estimates of modeling certainty must be accompanied along with all operational assumptions regarding the ability of the project to be run in a manner that will reduce impacts.
 - What assurances do you provide that the project will in fact be operated to actually reduce impacts? What steps will be taken should the project not reduce impacts as promised? Will the public be provided a guarantee that exports will be reduced back to the current level if promised reduction do not occur? What tools will be used to measure the extent to which such impacts are reduced or not?
 - Your Scoping Announcement stated that the projects impact on San Joaquin River salmon had been identified as an issue. While we agree, we believe the DEIR/S must also identify any impacts to other species of fish including, other runs of salmon, steelhead, striped bass, sturgeon, largemouth bass and Delta smelt.
 - Of significant concern is the potential of the project to <u>redirect impacts</u> from species protected by the ESA to those species that are not so protected. We believe it is essential for the project to reduce impacts to all species of fish and help achieve the objectives of the CALFED

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- Ecosystem Restoration Program. What assurances will the public be provided that this will occur?
- We have been advised the Screening Project that was to be an integral part of SDIP and intended to significantly reduce losses of the estuary's fish into Clifton Court Forebay and the pumping facilities. Is this part of the project no longer a -prerequisite condition for the SDIP?
- Please ensure the DEIR/S also establishes:
 - exactly what kind of screening will take place, when that will occur and the extent to which these screens will implement the engineering state-of-the- art.
 - exactly how screening efficiency will be determined and the certainty that all modeling is scientifically verifiable and peer reviewed, including the estimate of fish loss reduction.
 - the mitigation that will be provided to offset fish, fish eggs,
 and fish larvae that are not screened and lost to the estuary.
 - the mitigation that will occur do to losses of fish salvaged due to salvage process, the trucking and the release and subquent predation that accompanies it.
- We have been advised that some CALFED modeling studies demonstrated that the use of the expanded pumping capacity will result in higher levels of take of endangered species than occurred historically in some years. This issue should be properly scoped using the best available peer reviewed science. The modeling and results should be provided in the document.
- What impact will the project have on the estuary's food-web production needed by all life stages of fish when the fish need it, in the location where needed, and in the necessary quantities to meet the goal of ecosystem restoration. What models will be used to make these determinations? Will they be calibrated and peer reviewed?
- The Estuary: Given CALFED's Ecosystem Restoration emphasis and conmittment, we believe it is essential for the DEIR/S to address the following:

- The potential for the water export amount and new export regime to increase its degradation of estuarine habitat by reducing freshwater outflow to the Suisun, Honker, San Pablo and San Francisco Bay.
- What assurances will be provided to condition the planned pumping increase to 8500 cfs such that no net increase in exports will be removed from the estuary? What recourse will the public have if the project is operated without such assurances?
- What impact will the project have on meeting the water quality standards established by the federal Clear Water Act and the State's Porter Cologne Water Quality Control Act? Please make sure such analysis includes:
 - all contaminants that are or have the potential to be harmful to the aquatic food web, fisheries and the public.
 - disclosure that accurately accesses the magnitude and spatial extent of pathogens in the Delta's waters and the level of anticipated impact the project will have on critical such critical water quality conditions essential for the long term health of the aquatic ecosystem.
 - the disclosure of the science used to make these determinations and the peer review of all models used in the process.

In conclusion, we also would like you to know that we endorse the scoping issues provided to you by the Northern California Council of the Federation of Fly Fishers, the Bay Institute and Environmental Defense.

Comments Submitted By

John Beuttler

For the CSPA Board of Directors

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